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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/289,513	04/09/1999	PHILIP R. WISER	P-2090	8705

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EXAMINER

GILLIGAN, CHRISTOPHER L

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 12/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/289,513

Applicant(s)

WISER ET AL.

Examiner

Luke Gilligan

Art Unit

3626

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 November 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 21 November 2002. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.


NOTE: _____.

3. ☒ Applicant's reply has overcome the following rejection(s): Claims 6-8 under 35 U.S.C. 112.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: NONE.Claim(s) objected to: NONE.Claim(s) rejected: 1-49.Claim(s) withdrawn from consideration: NONE.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3800

Continuation of 5. does NOT place the application in condition for allowance because: In the remarks filed 11/21/02, Applicants argue in substance that Payne et al. do not disclose a system whereby the same computer system both receives the purchase request from the client computer system and sends a reservation request to the content manager computer system as recited in independent claim 1. In support of this argument, Applicants' assert that the Examiner has analogized both the the payment computer 16 and the buyer compute 12 of Payne et al. to the recited merchant computer. While Applicants are correct in asserting that payment computer 16 has been analogized to the recited merchant computer, the Examiner respectfully submits that Applicants have misunderstood the rejection with respect to the step of receiving a delivery request in the content manager computer system (merchant computer 14 of Payne et al.) from the merchant computer system (payment computer 16 of Payne et al.). Payne et al. teach a step of sending an access URL (recited delivery request signal) from the payment computer 14 (recited merchant computer) to the buyer computer 12 which, in turn, sends it to the merchant computer 14 (recited content manager computer system) There are no steps recited in the claims that require the delivery request signal to be sent directly to the content manager computer from the merchant computer without passing through any intervening computers. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, the Examiner respectfully submits that Payne et al. do teach a system that includes a single computer system that both receives a purchase request and sends a delivery request signal as recited in the claims.

To further support the argument, Applicants assert that Payne et al. fail to teach certain security features of Applicants' invention with respect to detecting any modifications made to transaction details by the client computer system. However the claims also fail to recite any limitations explicitly indicating such features. Therefore, these arguments are moot in view of limitations currently recited..